

# **EXHIBIT A**

Glen Devora, Esq. (ID No. 03935 2000)  
JONATHAN D'AGOSTINO & ASSOCIATES, P.C.  
3309 Richmond Avenue  
Staten Island, New York 10312  
718-967-1600  
Attorney for Plaintiff, Richard E. Watson, Jr.

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| <b>RICHARD E. WATSON, JR.,</b><br><br>Plaintiff<br><br>vs.<br><br><b>THE CHEESECAKE FACTORY and/or ABC<br/>COMPANIES 1-10 (being fictitious entities unknown<br/>at this time) and/or JOHN DOES 1-10 (being fictitious<br/>persons unknown at this time),</b><br><br>Defendant(s) | <b>SUPERIOR COURT OF NEW JERSEY<br/>LAW DIVISION: MIDDLESEX COUNTY<br/>DOCKET NO: MID-L</b><br><br><b>CIVIL ACTION</b><br><br><b>COMPLAINT AND JURY DEMAND</b> |
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Plaintiff, RICHARD E. WATSON, JR., residing at 63 Riverside Lane, in the Borough of Staten Island,  
County of Richmond and State of New York, by way of Complaint says:

**FIRST COUNT**

1. On or about September 9, 2018, the Plaintiff, RICHARD E. WATSON, JR., was a patron lawfully on the premises located at 455 Menlo Park Drive, in the Township of Edison, County of Middlesex and State of New Jersey.
2. At the aforesaid time and place, Plaintiff, RICHARD E. WATSON, JR., was lawfully and properly on the aforesaid premises on September 9, 2018, when a server employed by the Defendant, THE CHEESECAKE FACTORY and/or ABC COMPANIES 1-10 (being fictitious entities unknown at this time), served the plaintiff food that contained allergens, including but not limited to forms of nuts, causing Plaintiff to sustain an allergic reaction and to fall and sustain personal injuries.
3. At the aforesaid time and place, Defendant, THE CHEESECAKE FACTORY and/or ABC COMPANIES 1-10 (being fictitious entities unknown at this time) and/or JOHN DOES 1-10 (being fictitious persons unknown at this time), owned, managed and maintained the property located at 455 Menlo Park Drive, in the Township of Edison, County of Middlesex and State of New Jersey.

4. At the aforesaid time and place, Defendant, THE CHEESECAKE FACTORY and/or ABC COMPANIES 1-10 (being fictitious entities unknown at this time) and/or JOHN DOES 1-10 (being fictitious persons unknown at this time), owned, operated, maintained and/or controlled the premises in a negligent, careless and reckless manner creating foreseeable and dangerous conditions and activities on the premises, causing Plaintiff, RICHARD E. WATSON, JR., to sustain serious, severe and permanent injury.

5. The aforementioned occurrence, and the results thereof, were caused by the negligence of the Defendants and/or said Defendants' agent, servants, employees and/or licensees in the ownership, operation, management, maintenance and control of the aforesaid premises; in causing, permitting and/or allowing said premises at the aforementioned location to be, become and remain in a dangerous and hazardous condition, constituting a trap, nuisance and hazard.

6. The no negligence on the part of the Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

7. At the time and place aforesaid, ABC COMPANIES 1-10 (being fictitious entities unknown at this time) and/or JOHN DOES 1-10 (being fictitious persons unknown at this time), were acting as agents, servants, employees and/or licensees of Defendant, THE CHEESECAKE FACTORY.

8. As a direct result of the negligence of the Defendants, THE CHEESECAKE FACTORY and/or ABC COMPANIES 1-10 (being fictitious entities unknown at this time) and/or JOHN DOES 1-10 (being fictitious persons unknown at this time) Plaintiff, RICHARD E. WATSON, JR., was injured, has incurred and in the future with incur expenses for her treatment of injuries, has been disabled and in the future will be caused great pain and suffering, to her great loss and damage and has lost time from her usual occupation.

**WHEREFORE**, Plaintiffs, RICHARD E. WATSON, JR., demand judgment against Defendants for damages, together with interest, attorney's fees, costs of suit, and any other relief the Court deems just.

**DEMAND FOR ANSWERS TO INTERROGATORIES**

The Plaintiff demands that each defendant supply answers to Uniform Interrogatories, Form C and C (1) with the time frame allowed by the Rules of Court.

**DEMAND FOR ANSWERS TO NOTICE TO PRODUCE DOCUMENTS**

The Plaintiff demands that each defendant provide documents pursuant to the following Notice to Produce Documents within the time frame provided by the Rules of Court.

1. Please produce all policies of insurance, including, but not limited to, primary policies, excess policies, umbrella policies, or any other policy that is available for coverage and payment of the Plaintiff's claim.
2. Please produce all statements made by any party to this matter.
3. Please produce all statements made by any witness to the alleged accident.
4. Please produce all background searches, C.I.B. searches, or any other search regarding past injury claims, or personal injury lawsuits, or any nature, made by the Plaintiff.
5. Please produce all reports regarding the accident or incident referred to in this Complaint.
6. Please produce any records of any medical treatment for the Plaintiff in this matter.
7. Please produce all photographs, videotapes, and/or audio tapes obtained regarding this incident.

**DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

Pursuant to R. 4:10-2, demand is hereby made that you disclose to the undersigned whether there are any insurance policies or agreements under which a person or firm carrying an insurance business may be liable to satisfy all or part of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. Yes ( ) No ( ) If the answer is yes, attached a copy of each policy, or in the alternative, state under oath or certification the following: (a) policy number; (b) name and address of the insurer or issuer; (c) inception and expiration date; (d) names and addresses of all persons insured under the policy; (e) personal injury limits; (f) property damage limits; (g) medical payment limits; (h) name and address of person who has custody and possession thereof; (i) where and when policy can be inspected.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury as to all issues so triable.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:5-1(c), Glen Devora, Esq. is designated as trial counsel.

**NOTICE PURSUANT TO R. 1:7-1**

Pursuant to R. 1:7-1(b), Plaintiff hereby gives notice of his/her intention to suggest to the trier of fact that unliquidated damages be calculated on a time-unit basis without reference to a specific sum.

**CERTIFICATION PURSUANT TO RULE 1:38-7(B)**

I hereby certify that all confidential personal identifiers have been redacted from the documents now submitted to the Court, and will be redacted from all documents submitted, in accordance with Rule 1:38-7(B).

**CERTIFICATION**

I hereby certify that this matter is not the subject of any other action pending in any court or arbitration proceeding, that no such other action or arbitration proceeding is contemplated by this plaintiff, and that there are no other parties, whom, to the knowledge of the plaintiffs' counsel, should be joined in this action,

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 9/1/2020

JONATHAN D'AGOSTINO & ASSOCIATES, L.P.

BY: 

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GLEN DEVORA, ESQ.

Attorneys for Plaintiff, Richard E. Watson, Jr.

## Civil Case Information Statement

### Case Details: MIDDLESEX | Civil Part Docket# L-006292-20

**Case Caption:** WATSON JR. RICHARD VS THE

CHEESECAKE FACTO RY

**Case Initiation Date:** 09/01/2020

**Attorney Name:** GLEN DEVORA

**Firm Name:** D'AGOSTINO & ASSOCIATES PC

**Address:** 3309 RICHMOND AVE

STATEN ISLAND NY 10312

**Phone:** 7189671600

**Name of Party:** PLAINTIFF : WATSON JR., RICHARD, E

**Name of Defendant's Primary Insurance Company**

(if known): None

**Case Type:** PERSONAL INJURY

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Are sexual abuse claims alleged by:** RICHARD E WATSON JR.? NO

### THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

09/01/2020

Dated

/s/ GLEN DEVORA

Signed